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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,777	06/12/2001	Peter S. Hong	X0105B	4159
7590 01/13/2005				
JAMES J. RALABATE 5792 MAIN STREET WILLIAMSVILLE, NY 14221		EXAMINER ALPHONSE, FRITZ		
		ART UNIT PAPER NUMBER 2133		
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/879,777	HONG ET AL.	
	Examiner	Art Unit	
	Fritz Alphonse	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

0. This office action is in response to amendment filed on August 13, 2004. Claims 1 and 7 are amended. New claims 12-17 are added.

0.1 Objection to the title has been withdrawn.

0.2 The new title "Mobile Body-Supported Computer With Battery" is accepted by the Examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6, 7, 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Newman (U.S. Pat. No. 6,262,889).

As to claims 1, 7, 12, 13 and 16, 17 Newman (figs. 1-5) shows a mobile body supported computer (1) including a computer housing (2), a heat insulating grille (air sink vent 7, heat sink comprising ribbed or louvered sections 12; col. 2, lines 62-66), an integral battery partially constructed of a thermally non-conducting material (col. 4, lines 16-21, lines 49-68; col. 6, lines 22-24), hands-free activation means (see column 5, lines 24-35) and means for supporting said computer housing by a user (see figs. 2-4; col. 6, lines 33-36); said computer housing comprising substantially all of the components of a conventional computer (col. 4, lines 36-41). Jenkins

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teaches the housing (2) having outside surfaces (note highly heat insulating side wall or layer 4) that when in use at least a portion are closest to the body of the user (fig. 1; col. 6 lines 17-20). Jenkins teaches a thermally non-conducting casing and insulating ribs providing a user contact area on the mobile body supported computer that will not result in a burn injury (col. 3, lines 59 through col. 4 line 8).

As to claims 14 and 15, the claims differ from claim one by the additional limitations: a computer housing "having a first surface near a user's body, and a second surface located opposite to the first surface.

However, Newman (see figure 1) shows a computer housing including a first surface (4) near a user's body, and a second surface located opposite to the first surface".

As to claim 6, Newman teaches hands-free activation means selected from a group consisting of audio activation means, eye-tracking activation means, electroencephalo-graphy activation means, head and arm-tracking means and mixtures (see col. 7, lines 15-18).

As to claim 17, Newman (figs. 1, 5) shows a computer, wherein the heat-insulating grille is located on all exposed portions of the housing.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5, 9-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Jenkins (U.S. Pat. No 5,719,744).

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As to claims 3-5, 9-11, Newman does not explicitly disclose means in a computer housing for internal connection to a member selected from the group consisting of an IrDA transceiver, cell phones, power supply, keyboard as recited in claims 3 and 9.

However, these limitations are very well known in the art as evidenced by Jenkins. Jenkins's device includes an IrDA transceiver (col. 2, line 40), cell phones, power supply, keyboard (col. 6, line 56). Jenkins teaches that "connectors 24 and 3 are used in this mobile computer 1 to connect to a headset or display means and to power sources and, when needed, to a keyboard" (see col. 6, lines 54-56). It would have been obvious to one of ordinary skill in the art that the connector (24 and 3) of Jenkins can connect to mouse because it can connect to any other desirable component as suggested by Jenkins (see column 5, lines 25-29).

5. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Jenkins as applied to claim 1 above, and further in view of Wong (U.S. Pat. No. 6,509,657).

As to claims 2 and 8, Newman does not disclose a "hot-swappable integral battery". However, Wong (fig. 1) teaches an integral battery backup unit for supplying backup power to a computer, wherein the battery pack (16) is a hot-swappable Smart Battery (col. 5, lines 1-4; see col. 5, lines 16-20).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made to have added a hot-swappable battery as disclosed by Wong to Newman's device. Doing so would provide backup battery power to the power supply unit in the event that there is a loss of power (col. 2, lines 2-6).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Quintana as applied to claim 1 above, and further in view of Newman (U.S. Pat. No. 5,844,824).

As to claim 6, Jenkins does not teach about hands-free activation means consisting of eye-tracking activation means. However, this limitation is disclosed by Newman (see col. 3, lines 2-20).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to improve upon the hands-free computer system, as disclosed by Newman. By doing so, the system concept of eye-tracking permits the operator to manipulate the computer completely hands-free by tracking the eye and interpreting its movements as mouse commands to the application (col. 3, lines 13-16).

Response to Arguments

7. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fritz Alphonse

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January 5, 2005


Primary Examiner